

**MINUTES
TOWNSHIP COMMITTEE
REGULAR MEETING
JUNE 24, 2021**

Deputy Mayor Ewald called the Regular Meeting of the Township Committee of the Township of Chatham to order at 6:30 P.M.

Adequate Notice of this meeting of the Township Committee was given as required by the Open Public Meetings Act as follows: Notice was given to both *The Chatham Courier* and the *Morris County Daily Record* on January 8, 2021 and June 11, 2021; notice was posted on the front door and the bulletin board in the main hallway of the Municipal Building on January 8, 2021 and June 11, 2021; and notice was filed with the Township Clerk on January 8, 2021 and June 11, 2021.

Roll Call

Answering present to the roll call were Committeewoman Felice, Committeewoman Fondaco, Committeeman Hamilton and Deputy Mayor Ewald.

Executive Session

RESOLUTION 2021-P-13

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING CONFERENCE OF THE TOWNSHIP COMMITTEE WITH THE PUBLIC EXCLUDED

WHEREAS, N.J.S.A. 10:4-12 of the Open Public Meetings Act permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Township Committee of the Township of Chatham is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, as follows:

1. The public shall be excluded from discussion of the specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
 - a. Personnel – Township Committee Appointment
 - b. Litigation – Township of Chatham v. Kronos Holdings LLC and SL Chatham II, LLC-Condemnation Action Docket No. MRS-L-789-21
 - c. Attorney-Client Privilege
3. It is anticipated that the minutes on the subject matter of the Executive Session will be made public upon conclusion of the matter under discussion; and in any event, when appropriate pursuant to N.J.S.A. 10:4-7 and 4-13.
4. The Committee will come back into Regular Session and may take further action.
5. This Resolution shall take effect immediately.

Committeewoman Fondaco moved to adopt Resolution 2021-P-13 to enter Executive Session at 6:31 PM. Deputy Mayor Ewald seconded the motion.

Committeewoman Felice asked for the legal reasoning for discussing the appointment of a new Township Committee Member to fill the vacancy in Executive Session. Attorney Cruz explained that it is considered a personnel matter. He also explained that action cannot be taken in Executive Session, and the appointment would be formally made in Public Session. Attorney Cruz also said that the interview process may get into sensitive areas that would not be appropriate to have in public discussion. Attorney Cruz also stated that the two candidates who are not selected deserve some privacy.

Committeewoman Felice said that she did some legal research on the matter, and found a case where a Board of Education in Manville went into Executive Session to deliberate on filling a vacancy, and it was ruled that the Personnel Exception to the Open Public Meetings Act does not apply to the filling of a vacancy on an elected board. Attorney Cruz asked if it was a Law Division case. Committeeman Hamilton said that it is a Law Division case in Somerset County. Attorney Cruz stated that a Law Division case in Somerset County would not be binding on a Morris County municipality. Committeewoman Felice disagreed, and opined that the interviews should be conducted in Public Session. Attorney Cruz reiterated that the vote would be taken in public session.

Deputy Mayor Ewald asked why Committeewoman Felice wants the interviews to be conducted in public. Committeewoman Felice said she thinks it would be proper to do so in public, and doing so in Executive Session would create the potential for the appointment to be voided if challenged.

Attorney Cruz said that it appears that the motion to enter Executive Session will fail. He suggested that the Township Committee reconvene at 7:30 PM. Deputy Mayor Ewald said that if the motion is to fail, she would prefer it to be on the record.

Roll call: Committeewoman Felice, Nay; Committeeman Hamilton, Nay; Committeewoman Fondaco, Aye; Deputy Mayor Ewald, Aye.

Administrator Hoffmann said that the other two items on the Executive Session agenda need to be discussed. Committeewoman Felice said she is ok with having the other two items discussed.

RESOLUTION 2021-P-13
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THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING CONFERENCE OF
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4. The Committee will come back into Regular Session and may take further action.
5. This Resolution shall take effect immediately.

Committeewoman Felice moved to adopt Resolution 2021-P-13 as amended to enter Executive Session at 6:39 PM. Committeeman Hamilton seconded the motion.

Roll call: Committeewoman Felice, Aye; Committeeman Hamilton, Aye; Committeewoman Fondaco, Aye; Deputy Mayor Ewald, Aye.

The Township Committee returned to Public Session at 7:30 PM.

Deputy Mayor Ewald led the Flag Salute.

Approval of Agenda

Deputy Mayor Ewald stated that Committeewoman Felice and Committeeman Hamilton objected to conducting interviews of the three nominees to fill a vacancy on the Township Committee in Executive Session. As such, the matter of filling the vacancy will be removed from this meeting's agenda and a special meeting will be scheduled for July 8th at 7:30 PM. Deputy Mayor Ewald also said that the meeting will have candidate statements rather than interviews.

Deputy Mayor Ewald stated that the selection of a Mayor and Deputy Mayor will be removed from the Agenda, as will the Mayor's Statement and the appointment of a Township Committee Member as a Class III Planning Board member.

Attorney Cruz noted that a second Executive Session is not needed.

Committeeman Hamilton moved to approve the Agenda as amended. Committeewoman Fondaco seconded the motion, which carried unanimously.

Proclamation – Juneteenth

Deputy Mayor Ewald read aloud the attached proclamation for Juneteenth.

Reports

Committeewoman Felice reported that Colony Pool has over 630 memberships, which is an increase of about 60% over 2019. She also reported that revenue from Colony Pool is currently more than \$235,000 which is 70% higher than the amount anticipated in the 2021 Budget, and 79% higher than the revenue collected from Colony Pool in 2019. The total number of members is over 1800, which is an increase of 70% over 2019. The gains in membership and revenue are expected to continue to increase. Committeewoman Felice further reported that the second session of tennis has started, and people can still sign up.

Committeeman Hamilton reported that the Library of the Chathams is fully open, and the mask mandate will end on July 1st. He also said that in the monthly report from Chief Miller, a crime was reported in which a political flag was stolen.

Committeewoman Fondaco reported that the Environmental Commission is planning a Sustainability Fair at the Fishawack Festival in September. She also reported that other municipalities are reaching out to the Environmental Commission for advice regarding pesticide ordinances. Committeewoman Fondaco also said that the Environmental Commission is encouraging residents to decrease their garbage footprint, and she provided examples of how to cut down on waste.

Deputy Mayor Ewald reported that proactive planning, fiscal responsibility, environmental stewardship and effective communication will continue to be a priority for the Township. She said that the Township will continue to comply with its Affordable Housing Obligation and will retain control over local zoning regulations. Deputy Mayor Ewald also stated that the Township will continue to work toward the remediation of the Rolling Knolls Superfund Site and will seek public access to the site. She further stated that the Township will move forward with planned infrastructure improvements and capital projects. The Township will also protect the environment and expand recreational opportunities.

Deputy Mayor Ewald addressed the resolutions on the Consent Agenda that amend the 2021 Budget for the acceptance of grants. She also noted a proposed ordinance to prohibit sale of marijuana in the Township, and another ordinance to establish shuttle service for the Affordable Housing apartments to be built at 522 Southern Boulevard. Deputy Mayor Ewald also gave an update a supplemental investigation that the US Division of Fish & Wildlife is conducting on their portion of the Rolling Knolls site.

Deputy Mayor Ewald further reported that she recently attended a meeting of the Madison-Chatham Coalition and the Municipal Alliance, and the National Night Out event is being planned. There is also a focus on cannabis legislation.

The Township Clerk reported that there will be Early Voting available for the November General Election. Morris County will have at least 7 Early Voting sites, and Early Voting will be available from October 23, 2021 to October 31, 2021. Voting hours will be 10:00 AM to 8:00 PM Monday through Saturday and 10:00 AM to 6:00 PM on Sunday. Early Voting will also be on voting machines.

Engineer Ruschke reported there is not a set date yet for Noe Avenue paving. He anticipates getting the authorization from the NJDOT soon. He also reported on the Infiltration & Inflow study that was performed on the Sanitary Sewer System. Engineer Ruschke said that the neighborhoods where there are leaks have been identified, and the next step is to determine which individual pipes have leaks. Engineer Ruschke further reported that he and Administrator Hoffmann met with representatives of Morris County regarding a proposal for installation of a walking trail and bikeway to link Nash Field to the Green Village Post Office. He said that the County requested that the trail be 8-feet wide rather than 6-feet wide. Engineer Ruschke said that the proposed grant amount will increase and be more complicated due to the County's request. He also said that the design of the trail will be funded through the current grant phase.

Administrator Hoffmann reported that the meeting with Morris County was very positive, and the proposed trail is anticipated to be well used. Administrator Hoffmann also encouraged the Township Committee to oppose State Senate Bill 3810 and Assembly Bill 5862 as they will have a negative impact on the ability of municipalities to engage in shared services. Administrator Hoffmann also reported that the Township received notification that there will be an electronic fund transfer of \$529,465.88 into a Township account. There will be a resolution on the July 15th agenda to appropriate the funding.

Hearing of Citizens

The Township Clerk indicated that there were not any written comments received.

Deputy Mayor Ewald opened the Hearing of Citizens.

1. Christina Mott, Nicholson Drive, asked Attorney Cruz why there were not interviews of the nominees to fill the Township Committee vacancy in Executive Session, and why there was suddenly a need for a special meeting when the established protocol was made clear at the last Township Committee meeting.

Attorney Cruz explained that a resolution must be adopted in public before the Township Committee can enter Executive Session. He stated that when a vote was held to enter Executive Session with the Personnel Matter on the Agenda, the motion failed. Attorney Cruz said that the need for the special meeting arises from the 30-day window that the Township Committee has to select one of the three nominees. The 30-day period expires on July 11th, which is prior to the next regularly scheduled Township Committee meeting.

2. Kathy Abbott, Wynwood Road, asked why the procedural objection was raised at the beginning of the meeting, when it was clear what was supposed to happen. Mrs. Abbott said that procedural questions could have been posed to the Township Attorney during the two weeks that transpired since the last Township Committee meeting. Mrs. Abbott stated that she is disappointed that Committeeman Hamilton and Committeewoman Felice failed to allow the process to be as smooth as possible for the public, the nominees and the Statutory process.

Committeewoman Felice said that she and Committeeman Hamilton are attorneys, they performed independent research, and they felt that the process followed by the Township in the past was incorrect. Committeewoman Felice also said that transparency was promised when she and Committeeman Hamilton ran for office.

Deputy Mayor Ewald said that the legal aspects are debatable, and she does not want there to be an implication that the actions of prior Township Committees were improper. She also said it is unsettling to have the objections raised at the last minute. Deputy Mayor Ewald stated that the objections will be addressed by having the nominees give candidate statements rather than being subjected to interviews in public session.

Committeeman Hamilton said that it is his and Committeewoman Felice's opinion that holding interviews to fill a vacancy in Executive Session is improper, and said that there is case law to support that opinion.

Deputy Mayor Ewald stated that regardless of the merits of the legal debate, there were not enough votes to discuss the matter in Executive Session.

3. Azniv Basralian, Fairfax Terrace, said that she is a member of Boy Scouts Troop 280. Ms. Basralian announced the completion of her Eagle Scout project, which was the development of a walking trail on a Township-owned Open Space property on Shunpike Road between Long Hill Chapel and Shunpike Field. Ms. Basralian described the trail and discussed the work performed. She also noted that a Facebook page was created for the trail. Ms. Basralian thanked Committeewoman Fondaco for recommending the location for the trail. She also thanked the Township Committee and the Open Space Committee for supporting the project. Ms. Basralian further thanked her parents for their support of the project, as well as the other Scouts who worked on the project. Ms. Basralian also stated that the first official walk of the trail will be hosted on the morning of Saturday, June 26th.

Deputy Mayor Ewald thanked Ms. Basralian and her team for all their work on the project. She also encouraged residents to utilize the trail.

Committeeman Hamilton welcomed Ms. Basralian to the rank of Eagle Scout. He noted that he is also an Eagle Scout. Committeeman Hamilton stated that once someone is an Eagle Scout, they are an Eagle Scout for life.

4. Jen McNally, Noe Avenue, recognized Administrator Hoffmann for all the work that has gone into the Township's grant applications. Mrs. McNally asked how much it costs to hold a special meeting of the Township Committee. She also asked if the appointment of one of the three nominees to fill the vacancy could be further delayed, and asked if there are ways to ensure that the appointment is not further obstructed.

Administrator Hoffmann said he will circulate the cost of holding a special meeting.

The Township Clerk said that if the vacancy is not filled on or before July 11th, then the Chatham Democratic Committee will have 15 days to select the successful candidate beginning on July 12th. He also stated that if the Chatham Democratic Committee makes their selection prior to the July 15th meeting, then the new member of the Township Committee will be sworn in advance of the meeting and will be seated on the dais at the beginning of the meeting.

Committeeman Hamilton said that a special meeting was not demanded, and that he and Committeewoman Felice had an objection to handling the discussion in Executive Session.

5. Stewart Carr, Crestwood Drive, said that he disagrees with comments made by Committeeman Hamilton at the last meeting that participation in public meetings via Zoom should be disallowed. Mr. Carr pointed out that allowing comments to be made via Zoom increases public participation. Mr. Carr agreed with Committeeman Hamilton and Committeewoman Felice that candidates for the Township Committee should be publicly vetted. Mr. Carr asked Administrator Hoffmann if requests have been made to Oak Knoll School for field usage by the Chatham Recreation Program, and what responses have been received from Oak Knoll. Mr. Carr further asked about the anticipated structure of the proposed path linking Nash Field and the Green Village Post Office, and if the trail would be a paved trail or a gravel trail. He also said that a macadam path may be negative. Mr. Carr further asked if it would be possible to get aerial photographs of the Dixiedale site to see if there has been more disturbance than what was permitted.

Administrator Hoffmann said he will check to see if any requests have been made for use of the Oak Knoll Field.

Engineer Ruschke stated that the limits of disturbance of at the Dixiedale site were delineated and staked out by a licensed land surveyor.

6. Phil Ankel, Jay Road, said that the path for filling a vacancy on the Township Committee is well worn. He also said that the statute is clear how the vacancy will be filled if the Township Committee fails to do so. Mr. Ankel noted that a Primary Election was recently held. He also stated that due to grandstanding and gamesmanship, the time of the Township Committee and the Township Staff is being wasted. Mr. Ankel stated that the delay in filling the vacancy will not alter the eventual result, and the talk of transparency is specious. Mr. Ankel said that if there was indeed a legal concern, the objections to the process should have been brought to the attention of the Township Attorney sooner. Mr. Ankel asked if Committeeman Hamilton or Committeewoman Felice will raise further objections at the last minute.

Committeewoman Felice said that she and Committeeman Hamilton did not create the vacancy. She also stated that they did not have prior notice of the resignation, and only had the past two weeks to research the protocol. Committeewoman Felice also said that she found several cases in which appointments were overturned for having been made in private.

Committeeman Hamilton challenged the accusation of grandstanding, as he did not know about the resignation until the last meeting. He also said that he does not care how vacancies were filled when the Township Committee was fully Republican, and there

should be public vetting when the new member will represent a deciding vote on contentious issues. Committeeman Hamilton also acknowledged that the Chatham Democratic Committee will pick the successful candidate when the Township Committee fails to do so.

Deputy Mayor Ewald said that if there was advance notice of the procedural concerns, they could have been dealt with, and it would be inappropriate to suddenly switch from a private interview of the candidates to a public interview without any discussion or legal guidance or notification to the three candidates. Deputy Mayor Ewald also said that she hopes that a time will come when professional courtesy and respect will be shown during Township Committee meetings.

Committeeman Hamilton asked what was considered disrespectful. Deputy Mayor

Seeing no further comment, Deputy Mayor Ewald closed the Hearing of Citizens.

Public Hearing/Final Adoption of Ordinances

Ordinance 2021-16

**ORDINANCE 2021-16
AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS,
STATE OF NEW JERSEY, AMENDING STORMWATER CONTROL ORDINANCE**

BE IT ORDAINED by the Township Committee of the Township of Chatham that the Section 30-64.3 be amended as follows:

1. Definitions for the following are hereby removed:
 - a. CAFRA Centers, Cores, or Nodes
 - b. CAFRA Planning Map
 - c. Tidal Flood Hazard Area
2. Section II: Replace reference to County Board of Chosen Freeholders with Board of County Commissioners
3. Section IV: Replace '{insert Office of the County Clerk or the registrar of deeds and mortgages of the county in which the development, project, project site, or mitigation area containing the stormwater management measure is located, as appropriate, to the municipality}' in Paragraph M, and '{insert appropriate Office of the County Clerk or the registrar of deeds and mortgages, as applies}' in Paragraph N with Office of the Morris County Clerk.
4. This Ordinance shall be in full force and effect from and after its adoption and any publication as required by law.

Engineer Ruschke said that this ordinance corrects some minor issues in the Stormwater Control Ordinance. The Township Clerk indicated that the Planning Board determined that Ordinance 2021-16 is not inconsistent with the Master Plan.

Deputy Mayor Ewald opened the Public Hearing on Ordinance 2021-16.
Seeing no public comment, Deputy Mayor Ewald closed the Public Hearing.

Committeewoman Fondaco moved to adopt Ordinance 2021-16. Committeewoman Felice seconded the motion.

Roll call: Committeewoman Felice, Aye; Committeeman Hamilton, Aye; Committeewoman Fondaco, Aye; Deputy Mayor Ewald, Aye.

Introduction of Ordinances

Ordinance 2021-17

**ORDINANCE 2021-17
AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF
NEW JERSEY AMENDING CHAPTER 3 OF THE REVISED GENERAL ORDINANCES OF
THE TOWNSHIP TITLED “POLICE REGULATIONS” TO A NEW SECTION 3-14 TITLED**

“OPERATION AND LICENSING OF CANNABIS BUSINESSES PROHIBITED” WITHIN THE TOWNSHIP’S GEOGRAPHICAL BOUNDARIES

WHEREAS, on April 22, 2021, the Township Committee of the Township of Chatham adopted Ordinance 2021-08 titled “An Ordinance of the Township of Chatham, County of Morris, New Jersey Prohibiting the Operation of Any Class of Cannabis Businesses within the Township’s Geographical Boundaries and Replacing Section 30-96.9(b) which is Part of Section 30-96.9 Titled ‘Prohibited Uses’ of the Revised General Ordinance of the Township of Chatham”; and

WHEREAS, the Township Committee also desires to amend Chapter 3 of the Revised General Ordinances of the Township titled “Police Regulations” to add a new Section 3-14 titled “Operation and Licensing of Cannabis Businesses Prohibited” within the geographical boundaries of the Township; and

WHEREAS, Ordinance 2021-08 expresses the desire of the Township Committee to prohibit the operation of cannabis businesses within the geographical boundaries of the Township pursuant to P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement, Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Township Committee also desires to prohibit the operation and licensing of cannabis businesses as defined in the Act within the geographic boundaries pursuant N.J.S.A. 40:48-1 et seq., the municipal police power to regulated the public health, safety and welfare of its residents; and

WHEREAS, this Ordinance is not intended to repeal Section 30-96.9(b) (Ordinance 2021-08) but is intended to supplement Section 30-96.9(b) (Ordinance 2021-08) to make clear that the Township is prohibiting the operation and licensing of all cannabis businesses as defined in the Act under both the municipal authority to regulate land use within a municipality and the municipal police power to protect the public health, safety and welfare of its residents;

NOW THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Chatham, in the County of Morris, State of New Jersey, as follows:

Section 1. Chapter 3 of the Revised General Ordinances of the Township titled “Police Regulations” is hereby amended to add a new Section 3-14 titled “Operation and Licensing of Cannabis Businesses Prohibited”.

Section 2. Section 3-14.1 titled “Purpose” is added as follows:

§3-14.1 Purpose. The purpose of this Section 3-14 is not to repeal Section 30-96.9(b) (Ordinance 2021-08) but is intended to supplement Section 30-96.9(b) (Ordinance 2021-08) to make clear that the intent of the Township is to prohibit the operation and licensing of all cannabis businesses as defined in Section 3 of P.L. 2021, c.161, the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act”, within the geographic boundaries of the Township pursuant to N.J.S.A. 40:48-1 et seq., the Township’s authority to protect the public health, safety and welfare of its residents.

Section 3. Section 3-14.2 titled “Operation and Licensing of Cannabis Businesses Prohibited” is added as follows:

§3-14.2 Operation and Licensing of Cannabis Businesses Prohibited. All classes of cannabis operations or establishments or cannabis distributors or cannabis delivery services as said terms are defined in Section 3 of P.L. 2021, c.161, but not the delivery of cannabis items and related supplies by a delivery service, are prohibited from operating and being licensed within the geographic boundaries of the Township of Chatham.

Section 4. Section 3-14.3 titled “Repeal by Implication” is added as follows:

§3-14.2 Repeal by Implication. This Section 3-14 is not inconsistent with and is not intended to repeal by implication or otherwise any section, paragraph, subsection, clause, or other provision of Section 30-96.9(b) of the Revised General Ordinances of the Township of Chatham.

Section 5. Section 3-14.4 titled “Effective Date” is added as follows:

§3-14.4 Effective Date. This Ordinance shall take effect immediately as provided by law.

Attorney Cruz stated that this ordinance is a follow up to the land use ordinance that was previously adopted to prohibit certain types of cannabis businesses in the Township. This ordinance does so through the Township’s police powers. Attorney Cruz noted that like the prior ordinance, this one does not prohibit the delivery of cannabis products from businesses in other municipalities.

Committeeman Hamilton asked if it would be possible to prohibit delivery of cannabis products. Attorney Cruz stated that the legislation does not allow municipalities to enact such a prohibition.

Committeewoman Felice moved to introduce Ordinance 2021-17. Committeeman Hamilton seconded the motion.

Roll call: Committeewoman Felice, Aye; Committeeman Hamilton, Aye; Committeewoman Fondaco, Aye; Deputy Mayor Ewald, Aye.

Public Hearing for Ordinance 2021-18 will be scheduled for July 15, 2021.

Ordinance 2021-18

**ORDINANCE 2021-18
ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW
JERSEY, AUTHORIZING AND ESTABLISHING TRANSPORTATION FOR THE
AFFORDABLE HOUSING DEVELOPMENT TO BE KNOWN AS CHATHAM FAMILY
APARTMENTS LOCATED AT 522 SOUTHERN BOULEVARD IN THE TOWNSHIP OF
CHATHAM**

WHEREAS, Walters-Cornerstone Development LLC has been named as the affordable housing developer of the site located at 522 Southern Boulevard in the Township of Chatham upon which a 63-unit affordable housing development to be known as Chatham Family Apartments shall be constructed (the “Development”); and

WHEREAS, upon occupancy of the Development, the Township Committee desires to provide public transportation to residents of the Development by establishing a regularly scheduled public bus service (the “Bus Service”), which Bus Service will include a bus stop to be located directly in front of the Development (the “Bus Stop”), with service to Madison New Jersey Transit public railway station, which is an established railway station in the nearby municipality of Madison, New Jersey; and

WHEREAS, the Bus Service shall be provided daily at least once between the hours of 6:30 a.m. and 9:30 a.m. and at least once between the hours of 3:00 p.m. and 6:00 p.m. Monday through Friday.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, as follows:

1. The Township hereby authorizes and establishes at its sole cost and expense the Bus Service with a minimum of two stops per day during both the morning rush hours and during the evening rush hours (defined as daily service at least once between 6:30 A.M. to 9:30 A.M. and at least once between 3:00 P.M. to 6:00 P.M.), Monday through Friday, year-round on an on-going basis, from the Bus Stop to the Madison New Jersey Transit railway station, which provides daily public transportation operating Monday through Friday with regularly scheduled service during commuter hours.
2. The Bus Service shall commence on or before the first occupancy of the Development and shall be available to the general public.
3. The Township may designate any other public stops along the Bus Service route as it deems necessary to serve the residents of the Township.
4. The Township may charge a reasonable fixed fee to riders for the Bus Service.
5. This Ordinance shall take effect as provided by law.

Administrator Hoffmann stated that Ordinance 2021-18 is designed to help the Township receive a perfect score on the application for 9% tax credits for the development of Affordable Housing at 522 Southern Boulevard. There would be a two-hour period in the morning and a two-hour period in the afternoon during which bus service will be made available from 522 Southern Boulevard to the Madison Train station. A 12-passenger bus will be used, a ridership fee will be charged, and the service will be open to all Township residents.

Committeewoman Fondaco asked when the bus service would take effect. Administrator Hoffmann said that the service would be in place the month before residents move into the new Affordable Housing.

Committeewoman Felice asked about the cost of the bus service. Administrator Hoffmann stated that the cost is anticipated to be about \$78,000 annually. Committeeman Hamilton asked about anticipated revenue from the service. Administrator Hoffmann said that the goal is to put the framework in place so that the service can be offered, and it is possible that NJ Transit may add a bus stop to the area. Committeeman Hamilton asked if there is a continuous obligation to maintain the service if it is not being used or becoming a cost burden. Administrator Hoffmann said he will do research to see if there’s a specific length of time for which the service would need to be offered.

Committeewoman Felice moved to introduce Ordinance 2021-18. Committeeman Hamilton seconded the motion.

Roll call: Committeewoman Felice, Aye; Committeeman Hamilton, Aye; Committeewoman Fondaco, Aye; Deputy Mayor Ewald, Aye.

Public Hearing for Ordinance 2021-18 will be scheduled for July 15, 2021.

Consent Agenda

**RESOLUTION 2021-180
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
ACKNOWLEDGING RECEIPT OF REPORTS**

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following monthly reports of departments be acknowledged as received:

**RESOLUTION 2021-181
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
APPROVING MINUTES OF MEETINGS**

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves the minutes of the Township Committee meetings held on June 10, 2021.

**RESOLUTION 2021-182
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF CHATHAM APPROVING EXECUTIVE SESSION MINUTES OF MEETINGS**

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves Executive Session minutes of the Township Committee meeting held on June 10, 2021.

**RESOLUTION 2021-183
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF
MORRIS, STATE OF NEW JERSEY, RELEASING DEVELOPER ESCROW ACCOUNT
AND/OR PERFORMANCE BOND BALANCES**

WHEREAS, developers are required to deposit monies with the Township for the purposes of offsetting Township professional costs to review plans or to inspect approved development and for the purpose of ensuring the satisfactory completion of public or private improvements; and

WHEREAS, these deposited monies, following all necessary withdrawals to cover Township expenses or costs, may be released upon satisfactory completion of work, receipt of review board decisions, or completion of guaranteed work, upon passage of a Township resolution authorizing such release.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following guarantee amount or account balances, with interest adjustments as prescribed by state and local laws, may be released to the depositor of record:

NAME	<u>Project</u>	<u>A/C NUMBER</u>	<u>AMOUNT</u>
Summit Religious Society 154 Southern Blvd Chatham, NJ 07928	Plan Board 19-102.11-5	7765172596	\$55.50

**RESOLUTION 2021-184
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
RECOMMENDING AWARD OF NOE AVENUE STRIPING PROJECT TO DENVILLE LINE
PAINTING**

BE IT RESOLVED that the Township Committee of the Township of Chatham hereby recommends to the New Jersey Department of Transportation that the contract for Noe Avenue Resurfacing Project (2021 NJDOT Municipal Aid) in the Township of Chatham, County of Morris be awarded to Denville Line Painting, Inc. via 2021 Morris County Cooperative Pricing Council whose bid amounted to \$6,280.10 subject to the approval of the Department.

BE IT FURTHER RESOLVED that the Mayor be and is hereby directed to sign for and on behalf of the Township Committee the contract in the prescribed form for said construction.

BE IT FURTHER RESOLVED that the Township Clerk be and is hereby directed to seal said contract with the corporate seal of this body and to attest to the same.

RESOLUTION 2021-185
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN
THE COUNTY OF MORRIS, NEW JERSEY, REGARDING THE RENEWAL OF ALCOHOLIC
BEVERAGE LICENSES IN THE TOWNSHIP OF CHATHAM FOR THE FISCAL YEAR
BEGINNING JULY 1, 2021

WHEREAS, an application for the renewal of an Alcoholic Beverage License in the Township of Chatham for the fiscal year beginning July 1, 2021 has been made by Chattam Wine & Liquor LLC, Jay Krishna LLC, and Fairmount Country Club

WHEREAS, the applicants have complied with all the requirements of “An Act for the Manufacture, Distribution and Sale of Alcoholic Beverages”, known as the “Alcoholic Beverage Act and Amendments and Supplements thereto”, as well as the Ordinance of the Township of Chatham entitled “An Ordinance to Regulate the Sale and Distribution of Alcoholic Beverages”, as amended, including the submission of the appropriate license fees, and no objections to the renewal of said licenses have been received.

NOW, THEREFORE, BE IT RESOLVED that the Township Clerk be and hereby is authorized to deliver the plenary retail distribution license as issued by the New Jersey Division of Alcoholic Beverage Control for the fiscal year beginning July 1, 2021, as follows:

To Chattam Wine & Liquor LLC., trading as Buy Rite Liquor, for premises situated at 650 Shunpike Road, Unit 1A Chatham, New Jersey (Lic. No. 1405-44-004-007).

To Jay Krishna LLC, trading as the Hickory Wine Cellar, for premises situated at 641 Shunpike Road, Chatham, New Jersey (Lic. No. 1405-44-003-009).

BE IT FURTHER RESOLVED that the Township Clerk be and hereby is authorized and directed to issue and deliver a plenary retail consumption license for the fiscal year beginning July 1, 2021, as follows:

To Fairmount Country Club, Inc., a private club for members only, for premises situated at 400 Southern Boulevard, Chatham Township, New Jersey (License # 1405-33-001-002).

BE IT FURTHER RESOLVED that a copy of this Resolution certified by the Township Clerk be forwarded to the Division of Alcoholic Beverage Control and the State Department of Taxation and Finance, Newark, New Jersey, for their information and guidance.

RESOLUTION 2021-186
A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING THE 2021 BUDGET.

WHEREAS, N.J.S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have become available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Township of Chatham has received \$40,760.00 from the State of New Jersey Department of Law and Public Safety Body-Worn Camera Grant Program and wishes to amend its 2021 Budget to include these funds as a revenue,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Chatham, County of Morris, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$40,760.00 which is now available as a revenue from:

Miscellaneous Revenues – Section F: Special Items of General revenue – Public and Private Revenues Offset with Appropriations:

Body-Worn Camera Grant Program, and

BE IT FURTHER RESOLVED, that a like sum of \$40,760.00 be and the same is hereby appropriated under the caption of:

Public and Private Programs Offset by Revenues:

Body-Worn Camera Grant Program.

BE IT FURTHER RESOLVED, that the Township Clerk forward a copy of this resolution to the Director of Local Government Services.

RESOLUTION 2021-187
A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING THE 2021 BUDGET.

WHEREAS, N.J.S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have become available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Township of Chatham has received \$22,410.85 from the State of New Jersey Clean Communities Account Fund and wishes to amend its 2021 Budget to include these funds as a revenue,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Chatham, County of Morris, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$22,410.85 which is now available as a revenue from:

Miscellaneous Revenues – Section F: Special Items of General revenue – Public and Private Revenues Offset with Appropriations:

Clean Communities Program, and

BE IT FURTHER RESOLVED, that a like sum of \$22,410.85 be and the same is hereby appropriated under the caption of:

Public and Private Programs Offset by Revenues:

Clean Communities Program.

BE IT FURTHER RESOLVED, that the Township Clerk forward a copy of this resolution to the Director of Local Government Services.

RESOLUTION 2021-188

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING THE PURCHASE OF A CRACK SEALING MACHINE FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Chatham has solicited quotes and demonstrations from vendors who sell crack sealing equipment; and

WHEREAS, the Township has a need to purchase this piece of equipment to help extend the life of our roads, as well as protect the safety of vehicles and passengers traveling on roads within our municipality; and

WHEREAS, funds for the purchase of this piece of equipment were placed in

Ordinance 2019-11, Section 1 - \$30,588.80

Ordinance 2020-06, Section A - \$22,414.06

Ordinance 2021-09, Section A - \$4,497.14 ; and,

WHEREAS, the best overall value price and other factors combined is the proposal received from Timmerman Equipment under NCPA Contract #05-26 for the purchase of a crack sealing machine; and

WHEREAS, the Chief Financial Officer has certified that funds are available for the project as outlined in this resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Chatham hereby authorizes the purchase of a crack sealing machine for a cost not to exceed \$57,500.

RESOLUTION 2021-189

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING THE PREPARATION AND SUBMISSION OF GRANT APPLICATION FOR THE DESIGN AND PERMITTING OF WALKING/BIKE TRAIL FROM NASH FIELD TO GREEN VILLAGE ROAD

WHEREAS, the Township Committee of the Township of Chatham discussed and provided a consensus to apply for the design and permitting of a walking/bike trail from Nash Field to Green Village Road; and

WHEREAS, on Friday, June 18th the Township Administrator and Township Engineer had a virtual pre-application meeting with representatives of the Morris County Open Committee and Farmland Preservation Trust Fund Committee; and

WHEREAS, these representatives made helpful suggestions that will improve the design and ultimate construction of the project; and,

WHEREAS, the Township of Chatham acknowledges that the potential grant award is a reimbursement grant and that funds will be distributed when the project is satisfactorily completed; and

WHEREAS, the Township Engineer will submit a letter of intent to apply for the grant by June 30, 2021, and that a completed grant application must be submitted by July 30, 2021.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Chatham hereby authorizes the Township Administrator, Township Engineer and other appropriate staff as directed by the Township Administrator to complete and submit the grant application for the project outlined in this resolution.

RESOLUTION 2021-190

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING FEDERAL AID AGREEMENT WITH NJDOT FOR FINAL DESIGN COSTS OF SHUNPIKE ROAD SIDEWALK – FALMOUTH ROAD TO PINE STREET

WHEREAS, in 2019 the Township of Chatham received a Federal Aid Grant through the Federal Aid Highway Program for installation of a sidewalk on Shunpike Road from Falmouth Road to Pine Street; and

WHEREAS, the Township of Chatham has received additional funding of \$117,197.10 from the Federal Highway Administration for Federal Aid Highway Program SRS Shunpike Road Sidewalk - Falmouth Road to Pine Street; and

WHEREAS, the additional funding is to be used toward the final design work; and

WHEREAS, the receipt of the additional funds requires an amendment to Federal Aid Agreement 2019-DT-DLA-515.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Chatham, County of Morris, State of New Jersey hereby approves the amendment to Federal Aid Agreement 2019-DT-DLA-515 and accepts the additional grant funding in the amount of \$117,197.10.

RESOLUTION 2021-191

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING THE 2021 BUDGET

WHEREAS, N.J.S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have become available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Township of Chatham will receive \$117,197.10 NJDOT Federal Aid Highway Program for Shunpike Road Sidewalk-Falmouth Road to Pine Street Project and wishes to amend its 2021 Budget to include these funds as a revenue,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Chatham, County of Morris, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$117,197.10 which will be available as a revenue from:

Miscellaneous Revenues – Section F: Special Items of General revenue – Public and Private Revenues Offset with Appropriations:

NJDOT Federal Aid Highway Program for Shunpike Road Sidewalk-Falmouth Road to Pine Street Project, and

BE IT FURTHER RESOLVED, that a like sum of \$117,197.10 be and the same is hereby appropriated under the caption of:

Public and Private Programs Offset by Revenues:

NJDOT Federal Aid Highway Program for Shunpike Road Sidewalk-Falmouth Road to Pine Street Project.

BE IT FURTHER RESOLVED, that the Township Clerk forward a copy of this resolution to the Director of Local Government Services.

Committeewoman Felice moved to approve the Consent Agenda. Committeewoman Fondaco seconded the motion.

Roll call: Committeewoman Felice, Aye; Committeeman Hamilton, Aye; Committeewoman Fondaco, Aye; Deputy Mayor Ewald, Aye.

Hearing of Citizens

Deputy Mayor Ewald opened the Hearing of Citizens.

1. Kathy Abbott, Wynwood Road, asked about the case law cited by Committeewoman Felice and Committeeman Hamilton. She asked if the case law was about the retention of an elected official rather than an appointment to fill a vacancy.

Committeewoman Felice said that the case referenced is 201 NJ Super 65.

Committeeman Hamilton contended that the Personnel Exemption of the Open Public Meetings Act does not apply to filling a vacancy for an elected position. He also read a section of the case, and explained that the case involved the filling of a vacancy.

2. Stewart Carr, Crestwood Drive, asked why it takes two weeks to get Township Committee meeting videos posted to the Township website. He also asked if the path from the Green Village Post Office to Nash Field would be a stone path or a paved path. If it is to be a macadam path, Mr. Carr asked if the Township would maintain the path.

Government Access TV Manager Alexandra Gonzalez explained that the delay in getting videos posted is because she needs to edit the videos for sound quality. She goes through four-hour videos 5 to 6 times to make sure that the sound quality and video resolution are in sync.

Regarding the proposed path, Administrator Hoffmann said that crushed stone is anticipated, and at this time it still needs to be determined if the DEP will grant the permits for the path's construction. The DEP will also need to approve whatever material is to be used. Engineer Ruschke stated that the trail design will evolve during the permitting process.

3. Dan Miller, Green Village Road, asked if the bus service from 522 Southern Boulevard to the Madison Train Station will be open to the public. He also asked about parking or a drop off area for the bus service. Mr. Miller further asked about the location of the path from Nash Field to the Green Village Post Office, noting that the route will affect some property owners. Mr. Miller also asked about traffic studies so that walkers and bicyclists can cross Green Village Road safely.

Deputy Mayor Ewald stated that the bus service would not be implemented for another two to three years, however the public will be able to use the service.

Engineer Ruschke said that the crossing of Green Village Road will be a concern as the trail is built, and there will be consideration for markings on the road and warning signs.

Committeeman Hamilton asked if a concept plan is available on the Township Website. Engineer Ruschke said that a concept plan can be posted. Administrator Hoffmann noted that the concept plan will likely change before the trail is built.

4. Phil Ankel, Jay Road, said that he asked earlier if there will be additional objections to filling the vacancy on the Township Committee, and he said that Committeeman Hamilton's response that all rights are reserved indicates that more objections will be brought forward. Mr. Ankel also said that Mayor Ness resigned for personal reasons with integrity and has subsequently been accused of resigning early to give someone else an extra few months on the Township Committee. Mr. Ankel also said that the delay in filling the vacancy is a power play.

Committeeman Hamilton said that he did not question Mayor Ness's integrity. He also stated his personal opinion that the November General Election would be the appropriate time to fill the vacancy.

Seeing no further public comment, Deputy Mayor Ewald closed the Hearing of Citizens.

Committeewoman Felice moved to adjourn at 9:04 PM. Committeewoman Fondaco seconded the motion, which carried unanimously.

Gregory J. LaConte
Municipal Clerk